Supreme Court, U.S.
FILED
(1)
99 1911 MAY 22 2000
OFFICE OF THE CLERK

No. _____

In The

Supreme Court of the United States

CHI-MING CHOW,

Petitioner

vs.

MICHIGAN SUPREME COURT,

Respondent.

On Petition For Writ Of Certiorari
To The Michigan Supreme Court

PETITION FOR WRIT OF CERTIORARI

Chi-Ming Chow
Petitioner
2580 Holmes Road, No. 16
Ypsilanti, Michigan
48198-4217
(734) 484-0294
FAX (734) 484-0294

Date: May 4, 2000.

Kinko's Printing Co. Ann Arbor, MI
1-800-2-KINKOS

109+90

QUESTION PRESENTED

1. Do prosecuting attorneys have the authority and discretion to assist criminals to use perjury, false evidence and conspiracy to convict an innocent U.S. citizen and then protect the criminals and their own corrupt law enforcement officials from being prosecuted after the unjust charge is dismissed?

2. Do prosecuting attorneys have the authority and discretion to willfully neglect duty, maliciously destroy physical evidence seized by court without a court order to cover up their criminal actions, obstruct the justice and ruin the victim's life?

3. Does the Michigan Attorney Grievance Commission have the authority and discretion to knowingly and unmistakenly neglect court verified photos and video taped physical evidences, eyewitnesses and court documents to cover up criminal attorneys' criminal actions?

4. Does the Michigan Supreme Court have the authority and discretion to knowingly and unmistakenly conflict with U.S. Constitution 14th Amendment and turn our constitution and law of equal justice upside down?

LIST OF PARTIES

PETITIONER: Chi-Ming Chow, a U.S. citizen and now a retired math. teacher of Oakland Community College, MI.

Address:

Chi-Ming Chow
2580 Holmes Road, No. 16
Ypsilanti, Michigan
48198-4217

Phone: 734-484-0294
Fax: 734-484-0294

RESPONDENT: Michigan Supreme Court.

Address:

Michigan Supreme Court
525 West Ottawa
P.O. Box 30052
Lansing, Michigan 48909

Phone: 1-571-373-0120.

TABLE OF CONTENTS

Page

PETITION FOR WRIT OF CERTIORARI. ... .Page 1.

OPINIONS BELOW .....Page 1.

JURISDICTION.....Page 1.

CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED. .....Page 2.

STATEMENT OF THE CASE.....Page 3

REASON FOR GRANTING THE WRIT. ....Page 26.

CONCLUSION. .....Page 27.

INDEX TO APPENDICES Page

Appendix 1: A copy of court verified photo of physical evidence of this case. .....App. 1.

Appendix 2: Kmart's Fehrenbach's original false accusation statement. .....App. 2 to App. 3.

Appendix 3. Kmart's Sweet's original false accusation statement. App. 4 to App. 6.

Appendix 4. Michigan State Police Laboratory's report that no finger print of mine found on Kmart's old shoes. .....App. 7 to App. 8.

Appendix 5. My request for a living demonstration at Kmart in front of the jury. .....App. 9 to App. 10

Appendix 6. Attorney Stelmach's letter regarding prosecuting attorney Curtis' unfair offer..... App. 11.

Appendix 7. Court paper recorded perjuries made by Kmart's Fehrenbach and Sweet that I scuffed shoe heels in the store which contradicted with their original reports to the law enforcement..... App. 12 to App. 13.

Appendix 8. Court paper recorded conspiracy made by prosecuting attorney Curtis to stipulate with my counsel before the trial to allow his false evidences in court without my counsel's objection..... App. 14.

Appendix 9. Court paper confirms that People's Court Exhibit 2 was the pair of my old shoes on my feet which were later recorded on my video tape. ..... App. 15.

Appendix 10. Circuit Court order for new trial. .....App. 16 to App. 17.

Appendix 11. Prosecuting attorney's assistant, Mr. Curtis' hand written receipt of evidence box from Judge Mariann Battani. ..... App. 18.

Appendix 12. Michigan Court of Appeal's order to compel prosecutor to produce exhibits of evidence. .....App. 19.

Appendix 13. Prosecuting official Philippart's affidavit that prosecuting attorney Curtis informed him that the physical evidences of my case were missing. ....App. 20 and App. 21.

Appendix 14. Police Department Director Perkins' letter to Mr. Curtis that the physical evidences of my case were auction based on an anonymous phone call. .....App. 22.

Appendix 15. Police officer Jean Johnson's report of the auction of physical evidences based on an anonymous phone call. App. 23.

Appendix 16. A picture of police officer Jean Johnson. It proves that police director Perkins and prosecuting attorney Curtis lied that Jean Johnson was a civilian employee. .....App. 24

Appendix 17. Michigan Court of Appeals' order for verification of my video taped evidences. .....App. 25 to App. 32.

Appendix 18. Michigan Court of Appeals denied prosecuting attorney Curtis' appeal and remand the case to the lower court in 1993. ....App. 33 to App. 39.

Appendix 19. 34th District Court's dismissal of the unjust charge without a new trial in 1993. .....App. 40 to App. 41.

Appendix 20. My complaint filed at prosecuting office. (It was refused to covered up my complaint.) ..... App. 42 to App. 43.

Appendix 21. Governor Engler's support letter for my complaint. .....App. 44.

Appendix 22. State Senate Judicial Committee Chairman Van Regenmoter's via hand deliver support letter for my complaint. .....App. 45.

Appendix 23. State Senator Smith's support letter for my complaint. .....App. 46 to App. 47.

Appendix 24. Family physician, Dr. Grant's reference for my complaint. .....App. 48.

Appendix 25. Michigan Civil Rights Commission's (Ann Arbor Branch) recommendation for my complaint at U.S. Department of Justice. .....App. 49 to App. 50.

Appendix 26. U.S. Civil Rights Commission's referral for my complaint at U.S. Department of Justice ....App. 51 to App. 52.

Appendix 27. Michigan Supreme Court's orders to deny my complaints for mandamus. ..... App. 53 to App. 54.

Appendix 28. My Motion for Reconsideration. (Since two motions are similar. Only the last motion is attached,) . .....App. 55 to App. 70.

Appendix 29. Michigan Supreme Court's orders to deny my Motion for Reconsiderations. .....App. 71 to App. 72.

TABLE OF AUTHORITIES

Page

Cases:

1. Rodney King v. Loa Angeles city and Police Department. (1991) ....Page 4, Page 19.

Police officers severely beat Rodney King when subdued him. They were convicted and punished by the law for violations of Rodney King's constitutional rights and civil rights.

This case was reported by News Media including Detroit News and Ann Arbor News in 1992.

2. United States v. Former FBI Chief Michael Kahoe. (1992) .....Page 19.

In the case of 1992 fatal shootout at a white supremacist's cabin in Ruby Ridge, Idaho, former FBI Chief Michael Kahoe was convicted and punished by the law in 1997 for malicious destruction of evidence, coverup and obstruction of justice.

This case was reported by news media including Detroit News and Ann Arbor News on October 11, 1997.

Federal Statute:

1. U.S. Constitution, 14th Amendment: Equal justice and equal protection of the laws for all citizens born or naturalized in the UnitedStates. ....Page 2, Page 25.

2. U.S. Supreme Court Rule 10 (C): The Court considers Writ of Certiorari if a state court has decided an important federal question in a way that conflicts with relevant decisions of this Court. .....Page 1, Page 4, Page 26.

PETITION FOR WRIT OF CERTIORARI

Petitioner, Chi-Ming Chow, respectively request that this Court Issue a writ of certiorari to review the Order of the Michigan Supreme Court entered on February 29, 2000 and March 28, 2000 respectively to deny my complaints for mandamuses against Michigan Attorney Grievance Commission which allowed the attorneys to commit criminal actions without being punished by our laws and professional disciplines.

OPINIONS BELOW

The opinions and ordersns of the Michigan Supreme Court appear in Appendix 29 to this petition as Chi-Ming Chow v. Attorney Grievance Commission, SC: 114747 and SC: 115108, dated February 29, 2000 and March 28, 2000 respectively.

JURISDICTION

Pursuant to the U.S. Supreme Court Rule 10, especially, Rule 10 (c), this Court has jurisdiction because Michigan Supreme Court's orders have conflicted with relevant decision of this Court to support and protect the U.S. Constitution.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Constitution Amendment 14, Section 1:

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The act conducted by Michigan Supreme Court to allow Attorney Grievance Commission to cover up prosecuting attorneys' criminal actions which have turned our constitution and law of equal justice upside down is clearly conflicting with U.S. Constitution 14th Amendment decisively supported by this Court.

STATEMENT OF THE CASE

Dear Honorable U.S. Supreme Court Judges Rehnquist, Breyer, Ginsburg, Kennedy, O'Connor, Scalia, Souter, Stevens, and Thomas:

I am a retired charter mathematics teacher of Oakland Community College in Michigan. I have retired since 1992 after teaching for more than 26 years. I have also been struggling for justice against our corrupt law enforcement officials since 1989. They first assisted the criminals to use perjury, false evidence and conspiracy to convict me, an innocent U.S. citizen. After the unjust conviction was reversed for a new trial, they maliciously destroyed all the physical evidences seized by court without a court order to cover up their criminal actions. After the unjust charge was dismissed, they are now continuously protecting the criminals and their own corrupt law enforcement officials from been prosecuted. They have indeed turned our constitution and law of equal justice upside down in my case. (For detail, please see below.) My life has been ruined by crime and injustice.

I am not an attorney. With your friendly and enthusiastic Court officials' assistance and supplies of court rules and sample copy, I am now able to file this petition for a writ of certiorari by myself. I shall write my statement based only on facts of my case and the information I have obtained from this Court and public

libraries. I sincerely hope that this Court's justice can recover the damage of our constitution and my ruined life.

In order to avoid any racial prejudice and discrimination, I would like to first make the following point clear for my petition.

The U.S. Supreme Court Rule 10 states that Review on a writ of certiorari is not a matter of right, but of judicial discretion. Based on any law dictionary, judicial discretion is a judicial officicial's freedom of choice based on honesty and fairness within the bounds of law and facts. The lower court has abused this judicial discretion to cove up the criminal actions and turn our constitution and law of equal justice upside down in my case. This unusual and serious nature of my case has compelling reason for this Honorable Court to consider and grant my petition for a writ of certiorari.

Please now allow me to briefly state my petition as follows:

The natural of my case is worse than the 1991 Rodney King case of Los Angeles. In that case, the police officers might have over reacted when they were doing their duty and tried to subdue King. They were convicted and punished by the law for violations of King's constitutional rights and civil rights. In my case, on August 12, 1989, Kmart saleswoman Jill Fehrenbach, a former student of my

school, made a false accusation that my old shoes on my feet which had deep wears and rain splashed mud all around were Kmart's new shoes. (Please see court verified photos of physical evidences in Appendix 1 on page App. 1.) I was falsely arrested. In her eye-witness report written on August 12, 1989 right after the incident, she stated that I tried a pair of new shoes and left my old shoes and then walked toward the front checkout with the news shoes still on. (Please see Appendix 2 on App. 2 and her handwritten report on App. 3.) Please notice that the distance from the shoe shelf to the front checkout is only about 75 steps. Kmart security Sweet's report also written on August 12, 1989 right after the incident. He stated that he got a call from the shoe department that I tried to walked out a pair of news shoes and arrested me. (Please see exhibits in Appendix 3 from App. 4 to App. 6.) I was then also falsely arrested by police. After the arrest, I paid a bound and was released. In order to prevent Kmart and the police from replacing my old shoes to a pair of new shoes, I requested that my finger print be recorded by the police. I also requested the police to check my finger print on Kmart's old shoes. The State Police laboratory did not find my finger print on Kmart's old shoes. (Please see Appendix 4 from App. 7 to App. 8.) I also requested Kmart to produce any video taped recording which might prove my innocence. Kmart produced none. Before the trial, my attorney and I went to the police station took pictures of

the physical evidences and I also video taped them. I knew that I once ran through a rain storm with my old shoes. So my old shoes had deep worn off signs on the heels and rain splashed mud all around. (Please again see photo copies in Appendix 1 on App. 1.) The Kmart's old shoes were at least two size larger than mine. (In the photo of Appendix 1. Kmart's old shoes were in the plastic bag after examined by police laboratory.) Before the trial, I also asked my attorney to request a living demonstration in front of the jury to prove that it was impossible to change a pair of shining news shoes into the condition of my old shoes by walking 75 steps on Kmart's polished floor from the shoe shelf toward the front checkout. (Please see Appendix 5 from App. 9 to App. 10.) When later the township prosecutor attorney Matthew Curtis found out the condition of my old shoes, he knew it was a false accusation. He tried to negotiate with my attorney that he would drop the charge if I would waive all the civil liabilities against the township and Kmart. (Please see Appendix 6 on App. 11.) After I refused his unfair offer for my ruined life, he knowingly assisted the criminal Kmart employees to use perjury, false evidences and conspiracy to convict me, an innocent Chinese American. At the trial. he let the saleswoman Jill Fehrenbach and security Fred Sweet to lie under oath that they saw I scuffed the shoe heels in the store for 10 to 15 minutes around the store. Sweet also lied that he followed behind me when I was scuffing

the shoe heels. (Please see Appendix 7 from App. 12 to App. 13.) These were perjuries under oath because they contradicted to their original reports sent to the law enforcement that I walked directly from the shoe shelf toward the front checkout. Moreover, it was impossible to get the rain splashed mud all around on my old shoe inside of the store. The perjury is beyond reasonable doubt. The prosecuting attorney Curtis also conspiratorially stipulated with my counsel before the trial to allow his unsupervised false evidences to replace my requested living demonstration in front of the jury without my counsel's objection. (Please see Appendix 8 on App. 14. Also please see the false evidences in the photo of physical evidences in Appendix 1.)

Thus it has proved that prosecutor Curtis used perjury, false evidence and conspiracy to convict me, an innocent Chinese American. I then appealed with a new attorney. This time, I told my attorney to make sure to show the Judge the " People's Court Exhibit 2", my old shoes took off from my feet. (Please see Appendix 9, on App. 15.) As I have stated before that I once ran through a heavy rain storm with my old shoes on. The whole shoes were soaked with rain splashed mud and water. In the video tape, the rain splashed mud is clearly visible all around my old shoes. On the front of the shoes, the splashed mud caused by the force of running were also clearly visible. Any honest people with justice can see the

difference between a pair of shining new shoes and my old shoes.

On February 1, 1991, when Honorable Wayne County Circuit Appeal Court Judge Battani ordered a new trial for my case for ineffective assistance of counsel, she made her own eye-witness comment recorded on court paper as follows:

1). Kmart self-made evidence used in the trial contradicts with their own reports written before the trial. Contrary statements made by the prime witnesses against the defendant appeared to contradict the testimony at the trial. (My comment: This is a proof of perjury, a felonious crime.)

2). There are clear obvious worn off signs and dirt from outside of the store on Defendant's shoes. The burden of the contrary statement is beyond a reasonable doubt." (My comment: This is Hon. Judge Battani's eye-witness statement of the physical evidence. This is a proof of false accusation, and false arrest. This is the reason why the prosecuting attorney Curtis filed his frivolous appeal to buy time to unlawfully destroy all the physical evidences without a court order to cover his criminal actions.)

3). It was absurd that the defendant's counsel allowed Kmart to use its contradictory evidence in the trial without his objection. (My comment: This is a proof of conspiracy. Mr. Curtis stipulated with my trial counsel before the trial to allow him to use his false

evidence to replace my request for a demonstration in front of the jury without my counsel's objections.)

After the unjust charge was reversed and a new trial was ordered on February 22, 1991, (Please see exhibit in Appendix 10. on App. 17.) prosecuting attorney Curtis' assistant, Mr. Otis, signed a receipt and took the shoe evidence box with him from Judge Battani's court. (Please see Appendix 11, on App. 18.) So prosecuting attorney Curtis is responsible for the safety of the evidence box. Mr. Curtis then filed his frivolous appeal to buy time. He knew that they could not use the same perjury and false evidences again in the new trial, So he and the police department created a new conspiracy and destroyed all the physical evidences seized by court without a court order. On March 31, 1993, Michigan Court of Appeals granted my request to compel prosecutor to produce an exhibit of evidence. (Please see Appendix 12 on App. 19.) I then asked prosecuting official Philippart to accompany my attorney and me to check on the physical evidence in the police department. On September 29, 1992, Mr. Philippart wrote his affidavit that prosecuting attorney Curtis informed him that the physical evidence exhibits were missing. (Please see Appendix 13 on App. 20 and App. 21.) Mr. Curtis and police department then lied that a civilian employee, Jean Johnson, of the police department received an anonymous phone call from an unknown gentleman that the case was over so they auctioned all the physical

evidences of shoes at the police auction. It turned out that Jean Johnson was a police officer. (Please see Appendix 14, police director Perkins' letter to prosecuting attorney Curtis regarding the auction of the physical evidence on App. 22, Appendix 15, police officer Jean Johnson's report of the auction of physical evidence, and Appendix 16, a pictury of officer Jean Johnson on 24.)

This is a scandal of the law enforcement. The prosecuting attorney Curtis knowingly, unlawfully and maliciously destroyed all the physical evidences seized by court without a court order to cover up their criminal actions.

Fortunately, I anticipated such unlawful destruction of evidence and took pictures and also video taped all the physical evidences before they were unlawfully destroyed. By Michigan Court of Appeals' order of April 28, 1993, my video taped physical evidences, pictures, eye-witnesses and court documents were verified. 5 copies of this verified video tape are now on file of Michigan Court of Appeals. (Please see Appendix 17 from App. 25 to App. 32.)

After a hearing, Michigan Court of Appeals then dismissed Mr. Curtis' appeal on June 1, 1993. The following comment was made by Michigan Court of Appeals' Presiding Judge Corrigan:

1). Ineffective assistance of counsel. We agree with the court below.

2). Defense Counsel also failed to pursue issues relating to the weight of the evidence.

3). Defense counsel also completely failed to attempt to impeach the store security guard with an incident report he had prepared. The guard testified at trial that he had seen defendant scuffing the heels of the stolen shoes while he walked around the store. However, he omitted any mention of this unusual behavior in his contemporaneously filed incident report." - (My comment: This is also a proof of perjury and conspiracy in my complaint.)

4) "The issues relating to alleged prosecutorial misconduct raised in defendant's supplemental brief were not argued before the court below and thus are not properly before us. We see no evidence whatsoever of any conspiracies."

Please notice that there were many conspiracies in my case. In the Judge's last comment of conspiracy was referred to the malicious destruction of the physical evidences.

Indeed, before the prosecutor filed his frivolous appeal to buy time to destroy the physical evidences, all the physical evidences were still existing. So there was no argument about the malicious destruction of physical

evidences before the lower court (Wayne County Circuit Appeal Court). The discovery of the malicious destruction of physical evidences was after the prosecutor filed his appeal in Michigan Court of Appeals. Since the prosecutor's appeal was against the lower court's decision for a new trial, the lower court's decision for a new trial had nothing to do with the malicious destruction of physical evidence. This was why the Michigan Court of Appeals Judges state that the issues regarding conspiracy of malicious destruction of physical evidence were not argued in the lower court, and thus are not properly before them. We can see that the Judges first stated that the issues regarding conspiracy of malicious destruction of physical evidence were not properly before them. They then commented that there was no conspiracy for malicious destruction of the physical evidences. These two statements are somewhat contradictory to each other. This shows that the Judges tried to be not responsible for their comment on conspiracy of malicious destruction of physical evidences. However, prosecuting attorney Curtis tried to use this Judge's ambiguous and unrelated comment to deny all his conspiracies such as perjury, false evidence, and malicious destruction of physical evidences, etc.. How could a police officer (not a civilian clerk as Mr. Curtis lied.) based on a so-called unknown gentleman's anonymous telephone call and auctioned all the physical evidences seized by court without the confirmation of a court order? Who gave

the police the authority to auction other people's properties without the owners' permission? This is a scandal of malicious and unlawful destruction of physical evidence and a coverup of criminal actions conducted by the prosecuting attorney Curtis. In any way, the important fact is that Michigan Court of Appeals also denied Mr. Curtis' frivolous appeal and remanded the case back to the lower court for a new trial. (Please see Appendix 18 from App. 33 to App. 39.)

The unjust charge was then dismissed without a new trial by 34th District Court on July 29, 1993.. (Please see Appendix 19 from App. 40 to on App. 41.)

After the unjust charge was dismissed in 1993, I filed my criminal complaint for false accusation. false arrest, perjury, false evidence, conspiracy, willful neglect of duty, malicious destruction of physical evidence seized by court without a court order, coverup, obstruction of justice and violations of my constitutional rights and civil rights. (Please see Appendix 20 from App. 42 to App. 43.) I have all the eye-witnesses, court verified photos and video taped physical evidences, eyewitnesses, and court documents to back up my complaint. However, now the higher rank prosecuting attorneys, Mr. Ward, Mr. Ianni, Mr. Steinborn, Mr. Kelley, and current Michigan Attorney General's prosecuting attorneys have been continuously protecting the criminals and their own

corrupt law enforcement officials from been prosecuted. They are continuously turning our constitution and law of equal justice upside-down in my case.

Honorable Governor Engler and State Senate Judicial Committee Chairman Van Regenmorter supported my complaint and urged Michigan Attorney General Kelley to investigate my complaint. (Please see Appendix 21, Governor Engler's letter on App. 44, and Appendix 22, Chairman Van Regenmorter's hand deliver letter on App. 45.) In 1995, Hon. State Senator Smith, my two attorneys and I had a meeting in Attorney General's office with Mr. Ianni, and an assistant to Mr. Kelley. A video tape of eye-witnesses, physical evidences and court documents was reviewed. After the meeting, on November 29, 1995, Hon. Senator Smith wrote and asked Mr. Kelley to investigate my complaint. She stated :" From the evidence presented, it seems to me that Mr. Chow has been egregiously wronged and it is understandable he so steadfastly pursues this matter. Regaining one's sense of dignity and self-esteem after such an unpleasant episode is important; vindication allows us to put instances of injustice behind us and resume our lives with faith in our system intact." (Please refer to Appendix 23 from App. 46 to App. 47.)

My family physician also reported my physical and emotional distress caused by this criminal and racial injustice case. (Please see Appendix 24, on App. 48.)

In 1997, both Michigan Civil Rights Commission (branch office in Ann Arbor) and U.S. Civil Rights Commission also supported my complaint and sent their recommendation and referral for my complaint to the U. S. Department of Justice. (Please see Appendix 25 from App. 49 to App. 50 and Appendix 26, from App. 51 to App. 52.) (Please notice that the statute of limitation for civil rights violation is 180 days unless it is continuous. Both Commissions consider that the violation of my civil rights by law enforcement is continuing and support my complaint. In fact, I shall never stop my pursue for justice until my complaint is filed in court and justice is served.

Both U.S. Senator Abraham of Michigan and U.S. Congressman David Wu of Oregon have also showed their concern and sent their inquires for my complaint to the U.S. Department of Justice.

However, our prosecuting attorneys in my case knowingly and deliberately neglected all the undeniable evidences and facts of my case. They also denied all the urges of my Governor, Representatives and Civil Rights Commissions to investigate and prosecute the criminals in my case. They are continuously violating my constitutional rights including civil rights to have equal justice and equal protection of the laws. They are turning our constitution and law of equal justice upside-down in my case. This is a very unusual and serious case.

For the past years, my criminal complaint has gone through every possible state and federal law enforcement offices. The problem is that only a prosecuting attorney can file a criminal complaint in court. Now the prosecutors are protecting the criminals and themselves from being prosecuted by covering up my complaint. However, since the violations of my constitutional rights and civil rights are continuing, I shall struggle to get my criminal complaint filed and served as long as it may take. Therefore this Honorable Court also has an alternative to make its decision on my petition by postponing its decision until after my criminal complaint gets result from the criminal court and civil rights court.

Also, without the result of my criminal complaint, all my civil complaints filed by my attorneys were dismissed by civil courts without any deposition, discovery, mediation or trial. It sees that so far I have no way to get the justice served in my civil complaint either.

Finally, in 1998, I found one more way to fight for justice. Based on Michigan Attorney Grievance Commission's Attorney Professional disciplinary Proceedings Rule 9.104 (1), (2), (3), (4) (5), and (6), I was able to file a grievance by myself on December 3, 1998 at Michigan Attorney Grievance Commission against all the corrupt prosecuting attorneys in my case, Mr. Curtis, Mr. Ward, Mr. Ianni, Mr. Bornstein, and Mr. Kelley, for their

prejudice, abusing the law, injustice, unethics, dishonesty, irresponsibility, and criminal actions to cover up my criminal complaint.

There is no statute of limitation to filing an attorney grievance even though the violations of my constitutional rights and civil rights by prosecuting attorneys are continuing.

The Attorney Grievance Commission then based on defendants' ranks and divided them into two cases. (Now Mr. Curtis is in case of SC: 114747 and Mr. Ward, Mr. Ianni, Mr. Bornstein and Mr. Kelley are in case of SC: 15108.) All the evidences and facts clearly show that the 5 codefendants have violated the law and committed professional misconducts. All the defendants are law enforcement officials. They know the law and violate the law. They have no respect to the law.

Had the defendants done their duties and followed the law to file my criminal complaint and prosecuted the criminals, justice would have been served for my criminal complaint 10 years ago. Justice would also have been served for my civil complaints.

However, in 1999, Attorney Grievance Commission Acting Administrator, Mr. Edick, closed my grievances for insufficient evidence. His statement is simply not true. On the contrary, I have all the eye-witnesses, court verified physical evidences and court documents to back my complaint.

Furthermore, he refused my request to have a hearing so that he and his officials could review my video taped eye-witnesses, physical evidences and court documents. Thus he has fulfilled the 5 codefendants' wishful thinking that they maliciously destroyed all the physical evidences without a court order to cover up their crimes, the Attorney Grievance Commission then let them argue by their lies without the presence of the physical evidence. Mr. Edick also knowingly neglected all my Representatives' support letters and the Civil Rights Commissions' recommendation and referral, etc.. Therefore Attorney Grievance Commission's closing my grievances is clearly unfair, unjust and prejudicial. It protects the criminal attorneys and obstructs the justice. It is against the dignified purpose to have Attorney Grievance Commission.

So on May 21, 1999 and July 16, 1999, I filed my Complaints in the Nature of Mandamus against Attorney Grievance Commission at Michigan Supreme Court. I specially mentioned the following facts to the Court:

1) Both our National Constitution and Michigan Constitution assure equal justice and equal protection of the laws for all citizens born or naturalized in the United States.

2) Official immunity is the immunity of a public official from liability to anyone damaged by actions in his performance of his official

authority or duty.

An official's criminal action is not a performance of official authority or duty. A public official who knowingly and intentionally commits a crime is no longer a public official, but a criminal. A criminal has no immunity.

In the 1991 Rodney King v. Loa Angeles city case, Police officers severely beat Rodney King when they subdued him. They were convicted and punished by the law for violating Rodney King's constitutional rights and civil rights.

In the 1992 United States v. Former FBI Chief Michael Kahoe case, a fatal shootout incident occurred at a white supremacist's cabin in Ruby Ridge, Idaho. Former FBI Chief Michael Kahoe was convicted and punished by the law in 1997 for malicious destruction of evidence, coverup and obstruction of justice when he investigated this case.

These are examples and precedents that a criminal government official has no immunity of the law. We must not let criminal officials abuse the immunity.

3) Discretion is a public official's freedom of choices, within the limits of his or her authorities, based on honesty, fairness, non-discriminatory act and law.

No public official has the freedom of choice to commit a crime. An official's intentional criminal action is not within

the scope of the limits of any public official's authority. Abusing the discretion dishonestly and unfairly is a violation of the law.

4) In front of the law, every one is equal. No one is above the law. Even the U.S. President can be prosecuted and impeached for his crime.

Based on the above-mentioned facts of law, I asked Michigan Supreme Court to remand my complaint back to Attorney Grievance Commission for a full and fair investigation so that the following two scientific live experimental demonstrations can be carried out:

1) The first scientific experimental demonstration will be based on the original incident reports of August 12, 1989 written by Kmart employees, Ms. Fehrenbach, that I wore a pair of new shoes and then walked from the shoe shelf toward the front checkout. (Please see Appendix 2 again.) We shall let Kmart's security Sweet to wear a pair of new shoes and then walk 75 steps from Kmart's shoe shelf toward the front checkout. We shall then compare the new shoes on his feet and my old shoes (court exhibit 2) recorded in my court verified photos and video tape. The result will immediately prove Kmart's and prosecuting attorney Curtis' false accusation.

(Note; In 1990, the prosecuting attorney Curtis replaced my request of a live demonstration (Please see Appendix 5 again.) by his unsupervised and fabricated false evidence. In the 1990 trial,

he DID NOT mention a label under the shoe when all the physical evidences still existed. Now after he unlawfully destroyed all the physical evidences, he told Michigan Attorney Grievance Commission in 1999 that my old shoe should have lost its label under the shoes. He tried to use this label as an excuse to cover up his criminal actions. Again, fact is better than eloquent argument. So I shall talk about this label. First, this label is made of rubber and is glued and inlaid into the sole next to the heel so that it will not touch the ground. (Please see Appendix 1 again.) I have worn a pair of similar work shoes for weeks. The green label is still attached to the sole. This is a fact. Again, the green label is not an important physical evidence. The important evidence is that I once ran through a rain storm with my old shoes. Any honest normal person without mental illness can distinguish the difference between my old shoes which had deep wears and rain splashed mud all around and a pair of new shine shoes. This is why my scientific live experimental demonstration of the physical evidence will prove prosecuting attorney Curtis' and other defendants' criminal actions.

2) The second scientific experimental demonstration will be based on the two testimonies made by Ms. Fehrenbach and Mr. Sweet under oath in court on May 18, 1990. (Please see Appendix 7 again.) We shall let Sweet wear a pair of new shoes and then scuffs the shoe heels around the store for 10 to 15 minutes. During this demonstration,

we shall let a forensic sales expert watch Sweet's demonstration; we shall also let an forensic security expert follow behind Mr. Sweet. After this demonstration, we shall let the forensic security expert arrest Mr. Sweet. Mr. Sweet then argues that the shoes on his feet are his old shoes. After this second demonstration, we shall do three comparisons. We shall compare Mr. Sweet's scuffed shoes with my old shoes (court exhibit 2) recorded in my court verified photos and video tape. We shall also compare Ms. Fehrenbach's original incident report of August 12, 1989 and Mr. Sweet's original incident report of August 12, 1989 with forensic sales expert's incident report and forensic security expert's incident report respectively. The result will prove the perjury made by Ms. Fehrenbach and Mr. Sweet conducted and conspired by Mr. Curtis. The rest criminal actions such as willful neglect of duty, malicious destruction of physical evidence, coverup, obstruction of justice and violations of my constitutional rights and civil rights will be easy to prove since they have already been recorded on the court records.

If the Kmart's Sweet is requested to do such demonstration, maybe he will admit his guilty and wrong doings to avoid this demonstration to reduce his criminal penalty.

However, Michigan Supreme court denied my undeniable complaints for mandamuses and stated that it did not find an abuse of discretion. (Please see Appendix 27.)

from App. 53 to App. 54.) My Motions for Reconsideration (Please see Appendix 28 from App. 55 to App. 70. Since two motions are similar, only the last motion is attached.) was also denied by Michigan Supreme Court on February 29, 2000 and March 28, 2000 respectively. (Please see Appendix 29 from App. 71 to App. 72.)

Thus, in order to get the justice, I have no alternative other than file my petition for writ of certiorari at this Honorable Court.

I must also mention that although the unjust charge against me has been dismissed in 1993, all the criminals who harmed me still have not been punished by our law. This fact makes the public feel as if I were still guilty. I have lost my respect and human dignity from my neighbors and the public. My life has been ruined by crime and injustice. This is why I can never give up my struggle for justice. We all know that in about 1991, when Mr. Thomas was nominated for the U.S. Supreme Court Judge, he was accused by his former colleague for sexual harassment. Now Mr. Thomas is one the 9 Honorable Judges of this Court. I am sure he and his fellow Judges know how important a person's reputation, integrity and human dignity are. In Mr. Thomas' case, it was decided by whose testimony you would believe in. In my case, I have court verified photos, video taped eyewitnesses, physical evidences and court document to back up my complaint. These are all undeniable facts. The denial of my complaint by

Michigan Supreme Court is simply and clearly unfair and unjust.

On April 4, 2000, your Court Clerk official informed me that I could combine the two related cases from the same Michigan Supreme Court into one case and file my petition within 90 days from the earlier court decision date of the two cases, i.e., February 29, 2000. (Please see Appendix 29 again.)

Now based on the above-mention evidences and facts in my Statement, it is clear that the answers for Questions Presented at the beginning of this petition are as follows:

1) No. The prosecuting attorneys do not have the authority and discretion to assist criminals to use perjury, false evidence and conspiracy to convict innocent citizen and then protect the criminals and their own corrupt law enforcement officials from being prosecuted after the unjust charge was dismissed.

2) No. The prosecuting attorneys do not have the authority and discretion to willfully neglect of duty, maliciously destroy physical evidence seized by court without a court order to cover up their criminal actions, obstruct the justice and ruin the victim's life.

3) No. The Michigan Attorney Grievance Commission does not have the authority and discretion to knowingly and unmistakenly neglect court verified photos and video taped physical

evidences, eyewitnesses and court documents to cover up criminal attorneys' criminal actions.

4) No. The Michigan Supreme Court does not have the authority and discretion to knowingly and unmistakenly conflict with U.S. Constitution 14th Amendment and turn our constitution and law of equal justice upside down.

REASONS FOR GRANTING THE WRIT

Based on the evidences, facts and answers in my Statement, there is no doubt that Michigan Supreme Court has unfairly denied my complaint for mandamus. Now it is the 21st century. Our President. the Congress and this U.S. Supreme Court all stress to eliminate racial prejudice, racial discrimination, racial hatred and racial injustice. However, in my case, the state court Judges still would rather allow the corrupt law enforcement officials to turn our constitution and law of equal justice upside down because the victim is a Chinese American. This is a national scandal of racial injustice. It damages our judicial history record. Its abuse of the judicial discretion and unjust decision clearly conflict with the relevant decision of this Honorable Court to enforce the U.S. constitution including the 14th Amendment. Therefore based on U.S. Court Rule 10, (c), my Petition for Writ of Certiorari has strong and important reasons for this Honorable Court to grant the writ so that the damage to our constitution done by the corrupt law enforcement officials can be recovered.

Conclusion

In conclusion, the U.S. Supreme Court is the highest Court of our country. Your Honors have the constitutional duty to carry out the principle of our constitution to assure equal justice and equal protection of the laws for all citizens. As I have stated in my Statement with detail appendixes, all the evidences and facts of the criminal actions in my complaint have been actually recorded on court verified photos, videotape and court documents. They can not be denied. Also with the above-mentioned Reasons for Granting the Writ, I sincerely hope that your Honors will support our constitution and grant my petition for writ of certiorari and remand this case back to the lower court so that a fair and thorough investigation and trial can be conducted and justice can be served. Or at least, your Honors can delay your final decision on my case until my criminal and civil rights complaints get results from the criminal court and civil rights court.

Your Honors' justice will be appreciated.

Very truly yours,

Chi-Ming Chow

Chi-Ming Chow, Retired Math. Teacher,
2580 Holmes Road, No. 16
Ypsilanti, Michigan 48198-4217
(734-484-0294. Fax: (same))

Dated: May , 2000.

Appendix 1

The follow attached photo copy of physical evicencs of this case has been verified by Michigan Court of Appeals' order of April 28, 1993. (Please see Appendix 17 on page App. 25.)

Pictures are court verified. Court verified video taped physical evidences , eye-witnesses and court documents are available for review. In this copy, three single-shoe pictures are my old shoes alleged by Kmart as its new shoes. These pictures were taken at Police Department on 11-1-1989 before the trial. The six pairs of shoes (one in the plastic bag) (in picture are mixtures of true and false evidences) together with perjury were used to confuse or lure the jury to convict me, an innocent citizen. This picture was taken on 4-19-1991 after I won my appeal at Judge Battani's Court. Prosecutor then destroyed all these evidences without a court order while he appealed and lost. The unjust charge was later dismissed in a pretrial on 7-29-93. In 1993, I filed my complaint. I should have my constitutional rights to get my justice served. Chi-Ming Chow

Appendix 2

(RETYPED FROM HANDWRITTEN REPORT)

Kmart CORPORATION
Loss Prevention Department

I, Jill A. Fehrenbach witnessed Mr. Chiming Chow tried on a pair of workshoes sold in the Footwear Dept. Then he walked out of the Dept. with the new shoes still on his feet. He left his old shoes in dept. on the shelf where the shoes he took are located. Mr. Chow then walked toward the front checkout with the new shoes still on.

Case of Chow, Chi-Ming

Signed: /s/ Jill A. Fehrenbach
Address 823 Green Rd. #6
City Ypsilanti Zip 48198
Date 8-12-89 Time 10:00 pm

(Also please see his handwritten report on App. 3.)

AIN FOR ONE YEAR

K mart CORPORATION
Loss Prevention Department

SPECIFIC OFFENSE: RETAIL FRAUD 2ND DEGREE

STATEMENT FORM

CASE

STATEMENT OF	ADDRESS	PHONE	AGE
JILL FEHRENBACH	2095 RAWSONVILLE BELCHILL MI	485-2510	21-01-1
CONNECTION W/CASE	WHERE TAKEN	DATE AND TIME	
WITNESS	SHOE DEPT.	8-13-89	1:00 PM

I Jill A. Fehrenbach witnessed Mr. Chiming Chow Tay on a pair of workshoes sold in the footwear dept. Then he walked o of the dept with the new shoes still on hi feet. He left his old shoes in dept on the sh where the shoes he took are located. Mr Cho Then i walked to and the front checkout with the new shoes still on.

CASE OF CHOW, CHI MING

WITNESS

Jill A Fehren
R-22 Fifteen-Mi

App. 4

Appendix 3

(RETYPED FROM HANDWRITTEN REPORT)

Kmart CORPORATION
Loss Prevention Department
Report of Apprehension

I first got the call from Footwear above subject came into the Footwear Dept. and tried on two pair of work boots then placed them on his feet, then tried on a third pair and left them on his feet and proceed to walk out of store. Failing to pay for merchandise on his feet. Subject did pay for two other pair of boots and some sandwitch bags. Subject was turned over to police authorit.

Signed: /s/ Fred Sweet
372-78-2266
H-484-3697
W-485-8510
Date: 8-12-89

(Also please see his handwritten report from App. 5 to App. 6.)

FRED SWEET
372-74-2266
H-484-3697
W-485-8570

Kmart Corporation

Loss Prevention Department
Report of Apprehension

Print or Ink or Type

Place of Apprehension (Exact Location)		Date	Time
OUTSIDE VESTIBULE		8-12-81 SATURDAY	10:00
Subject's Last Name	First Name	Middle Initial	Telephone No.
CHOW	CHI MING		484-024
Subject Address		Driver's License No.	Marital Status
41850 CAROUSEL DR P.O. BOX 905		77-15-31	SINGLE
Complete Description (Physical Characteristics - Color, Build, Clothing)		Amt. of Money on Subject $	Subject Photo

Description of Merchandise Recovered	Number	Retail Value
1 PAIR WORK BOOTS	1	$ 22.97

Gift Exchange or Pre-Conviction Restitution ☐ Yes ☐ No — Total Value of Merchandise Recovered ▶ $ 22.97

Person Subject First Observed (Exact Location)	Time 9:45 ☐ AM ☐ PM	By Whom (Name & Title)
FOOTWEAR		FRED SWEET L.P.M
Subject Apprehended By (Name & Title)		Witnessed By: (Associate Only)
FRED SWEET L.P.M		Bill C. Fehrenbacher
Subject Interviewed By (Name & Title)	Place of Interview	Statement Witnessed By
FRED SWEET L.P.M	L.P OFFICE	Bill C. Fehrenbacher

Did Subject Sign - Consent Release Form ☐ YES ☐ NO — Other Witness Available? ☐ YES ☐ NO

Describe Incident as Fully as Possible (Who, What, Where, How & Witnesses)

I FIRST GOT THE CALL FROM FOOTWEAR BELOVE SUBJECT CAME INTO THE FOOTWEAR DEPT AND TRIED ON TWO PAIR OF WORK BOOTS THEN PLACED THEM HIS FEET THEN TRIED ON A THICK PAIR AND LEFT THEM ON HIS FEET AND PROCEEDED TO WALK OUT OF STORE FAILING TO PAY FOR MERCHANDISE ON HIS FEET SUBJECT DID PAY, EG.

I have read and understand the above and to the best of my knowledge it is true in every respect.

Signature of Person Apprehended

	Action Taken (Name(s) of Person(s) to Whom and Time of Release)	Time Released
☐ Released To Parents	☒ Turned Over To Police Authority	

TWO OTHER PAIR of BOOTS AND SILK
SANDWITCH BAGS SUBJECT WAS TURNED OVER
TO POLICE AUTHORITY

EXHIBITS Appendix 4

STATE OF MICHIGAN
JAMES J. BLANCHARD, GOVERNOR
DEPARTMENT OF STATE POLICE
714 SOUTH HARRISON ROAD
EAST LANSING, MICHIGAN 48823
COL R. T. DAVIS, DIRECTOR

FORENSIC SCIENCE DIVISION
NORTHVILLE LABORATORY
42145 WEST SEVEN MILE ROAD
NORTHVILLE, MICHIGAN 48167
PHONE: (313) 473-1000

Laboratory No.: 14276-89
Record No. : 13010
Received By : Mary E. Dempsey
Date Received : 11-07-89

Nature of Offense: Larceny

Victim: K-MART

Suspect: CHI MING CHOW, W/M. 11/15/31 (FP)

Evidence Received:

One K-Mart bag containing
1 - Pair of worn black shoes

Processing Results:

The evidence submitted was processed for latent prints

EXHIBITS

with no identifiable prints being obtained.

Remarks:

The submitted inked impressions will be returned to the
investigating agency.

/s/_____
Mary E. Dempsey
Specialist (Sgt.)

MED:tb
1/25/90
84

EXHIBITS Appendix 5

WOODS AND O'KEEFE
ATTORNEYS &COUNSELORS AT LAW
2950 DAVID STOTT BUILDING
DETROIT, MICHIGAN 46226

May 8, 1990

34th District Court
Judge Szlinis
11131 Wayne Road
Romulus, MI 48174

Re: People vs Chow C 89 0432

Defendant proposes the following jury instructions:

All of Chapter 1, 2.1 through 2.13, inclusive, 2.16, 2.17, 2.22, 2.24, 2.25 and 2.26.

3.1, 3.2, Defendant reserves the right to submit a theory of the case instruction in conformance to the evidence presented at trial, 3.5, 3.6, 3.9, 3.11, 3.14, 3.15, and 3.17. Defendant reserves the right to ask for 3.3 if he does not testify on his own behalf.

4.7, Defendant is asking the prosecution to stipulate that a pair of new shoes, purchased by Defendant's prior attorney, be admitted into evidence as being new shoes from the same K-Mart store, in order to avoid having to call Mr. Stelmach as a witness, 4.8, 5.2, 5.11, and Defendant reserves the right to ask for 5.12 if the evidence at trial makes it appropriate, and 23.1.01.

Defendant serves notice that he will object to testimony

EXHIBITS

by any prosecution witness whose prior statement has not been furnished to him pursuant to this Court's discovery order. Defendant will ask the Court to allow the jury to view the scene at K-Mart, to show the impossibility of scuffing the heels of the shoes on the floor.

Sincerely yours,

/s/_____
Kurt O'Keefe

P.S. to Mr. Chow: I would like you to compile a list of all of your students of the fall 86 and winter 87 terms, so I can ask the prosecution witness if she knew any of them.

(Exhibit 8)

EXHIBITS Appendix 6

Professor Chi-Ming Chow
2580 Holmes Road
#16
Ypsilanti. MI 48198

November 12, 1991

Re: People vs. Chow

Dear Professor:

Pursuant to your request in your letter of November 8, 1991, please be advised that I do remember having the conversation with Mr. Curtis wherein he offered to dismiss the case if releases were signed waiving any and all claims against Van Buren Township and Kmart to the best of my recollection.

As you know, at that time, I had already been advised that attorney O'Keefe was involved and so I told Mr. Curtis that I could not entertain his offer because I was no longer representing you. I believe Mr. O'Keefe also knew of the offer of Mr. Curtis.

Also, I remember discussing the matter with you as well and you, of course, rejected the idea.

Please contact me upon receipt of this letter.

Very truly yours,

/s/_____
Steven Stelmach, Jr.

SS/11

Q. (By Curtis.)
- - him walking up to the center aisle?

A. Yes. (By Fehrenbach.)

Q. What did if anything, did you observe Mr. Chow doing as he was walking?

A. He was still scuffing his heels - -

Q. Okay - -

A. - - as he was walking.

Q. And then after he proceeds up the center aisle, what if anything did you observe - - - or where did you observe Mr. Chow go then?

A. He went through the check-out lines.

Q. Now, approximately, how long after he left the shoe department store until he eventually proceeded to the check-out line was Mr. Chow walking around the store?

A. Ten, fifteen minutes.

Q. Okay. And when Mr. Chow then proceeded to the check-out line, did you observe this?

A. Yes, I did.

Q. Okay. Did you leave your department, or were you still at your shoe department at that time?

EXHIBITS

Q. And when you were making these observations of Mr. Chow, while you were following him, did you observe Mr. Chow scuffing his heels? (By Curtis.)

A. Yes, I did. (By Sweet.)

[p. - 84 - Trial of 5-18-90]

what happened was, there was a pair of shoes worn by the security officer, in which he went by scuffing his heels --

MR. CHOW: Yeah, and no one saw it --

MR. CURTIS: -- down the hallways. I presented and offered that into proof to indicate that he substantially -- he -- he imitated Mr. Chow, and went through the same halls. Defense attorney for Mr. Chow, the trial counsel, agreed to allow those shoes to be admitted into evidence, because in my conversations with him, he thought that those also helped his case, because he could show things on that shoe that showed that they were different than Mr. Chow's --

MR. CHOW: But nobody saw --

MR. CURTIS: - - so he stipulated to that - - to that exhibit, so he can't now come back and say, oh gee, that should have been - - shouldn't have been admitted, because it was a stipulated exhibit by - - by his own counsel.

MR. CHOW: That's against the weight of evidence. Because getting shoe in front of the jury, he made his own false evidence, and fooled the jury. The jury didn't see it. This was - - this - - means - - justice for - - for the innocent people. Now we let prosecutor use false evidence, false accusation to harm an innocent citizen, that's really injustice. I just say, if you want to admit any evidence, you must have scientific proof. But he - - he won't ask, how long did you wear. His opinions, but nobody

(p. 29 of Sentencing Motion of 7-17-90)

left the department.

Q. Are these the type of shoes, Ms. Fehrenbach, that are sold in a K-Mart Store? (By Curtis.)

A. Yes. (By Fehrenbach.)

Q. Are these also the type of shoes that are sold at the rack where you first observed Mr. Chow going?

A. Yes.

Q. Now, when you first saw Mr. Chow walking or att - - or leaving the shoe department area with Exhibit Two shoes on, what did you then do?

A. I went over and called security.

Q. Before calling security, did you make any effort to find out if in fact, those were new or the old shoes?

A. No.

Q. Okay. You went and called security?

A. Hmm-hmm (affirmative response)

Q. Okay. Who would you have called?

A. Fred Sweet.

Q. Okay. And what did you inform Mr. Sweet of?

A. That there was a customer that had a new pair of shoes

EXHIBITS Appendix 10

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE
COUNTY OF WAYNE

PEOPLE OF VAN BUREN TOWNSHIP, Plaintiff/Appellee,	Case No. 90-019210-AR HON. MARIANNE O. BATTANI
v.	
CHI-MING CHOW, Defendant/Appellant.	

MATTHEW G. CURTIS (P37999)
Van Buren Township Attorney
Attorney for Plaintiff/Appellee
2000 Town Center
Suite 900
Southfield. MI 48075-1100
(313) 355-0300

SYLVIA K. DELIN (P39085)
Attorney for Defendant/Appellant
401 S. Woodward Avenue
Suite 450
Birmingham. Michigan 48009
(313) 647-4540

EXHIBITS

ORDER FOR NEW TRIAL

At a session of said Court, held in the City-County Building in the City of Detroit. Wayne County, Michigan, on February 22, 1991
PRESENT: MARIANNE O. BATTANI
CIRCUIT JUDGE

Upon appeal of Defendant. Briefs tendered by both parties, oral argument held before the Court, and the Court being apprised of the premises thereof;

IT IS HEREBY ORDERED AND ADJUDGED that the Judgment of the Lower Court be reversed due to ineffective assistance of defense counsel in failing to object to the introduction of inadmissible evidence, to-wit: Plaintiff's shoe exhibits numbers 15 and 17, and that this cause be and hereby is remanded to the 34th Judicial District Court for a new trial.

/s/_____
Marianna Battani
Circuit Judge

EXHIBITS Appendix 11

[HANDWRITTEN NOTE]

Received evidence box in case of People of Van Buren v. Chow. Case # 90-019210AR from Judge Mariann Battani

/s/_____
4-19-91

(Prosecuting Official Otis,
Van Buren Township.)

EXHIBITS Appendix 12

Court of Appeals, State of Michigan

ORDER

Maureen Pulte Reilly
Presiding Judge

People of Van Buren Twp v Chi-Ming Chow

Docket # 138761

L.C.# 90 019210 AR

The Court orders that the motion to compel prosecutor to produce an exhibit is GRANTED.

A true copy entered and certified by Ella Williams, Chief Clerk, on

March 31, 1992
Date

/s/_____
Ella Williams
Chief Clerk

EXHIBITS Appendix 13

STATE OF MICHIGAN
IN THE COURT OF APPEALS

PEOPLE OF VAN BUREN TOWNSHIP, Plaintiff/Appellant.	)	CoA No.: 138761 Docket No.: 89-4032 C.C. No.: 90-019-210-AR
v.	)	
CHI-MING CHOW, Defendant/Appellee.	)	

MATTHEW G. CURTIS (P37999)
Van Buren Township Attorney
Attorney for Plaintiff/Appellee
2000 Town Center
Suite 900
Southfield, MI 48075-1100
(313) 355-0300

WILLIAM E. ZIEM (P29097)
Attorney for Defendant/Appellee
990 Decker Road
Walled Lake, MI 48390
(313) 624-6330

AFFIDAVIT OF HOWARD L. PHILIPPART

I, HOWARD L. PHILIPPART, being duly sworn, depose and state as follows:

That I, Howard L. Philippart, am employed by the Wayne County Prosecutors Office. On September 25, 1992,

EXHIBITS

I made contact with the Van Buren Township Police Department regarding viewing physical evidence used in the case of People vs. Chi-Ming Chow, District Court Case No. 089-0432 in the '34th District Court for the County of Wayne. I was informed by Mr. Matthew Curtis, attorney for Appellant, that physical evidence in question is not available and that the exhibits were missing.

Further Deponent saith not.

/s/_____
HOWARD L. PHILIPPART

Subscribed and sworn to before
me this 29 day of September, 1992.

/s/_____
Notary Public
Okena County, Michigan, acting in Wayne
My Commission Expires: 1/25/95

EXHIBITS Appendix 14

CHARTER TOWNSHIP OF VAN BUREN
DEPARTMENT OF PUBLIC SAFETY

October 13, 1992

Matthew Curtis, Esq.
2000 Town Center
Suite 900
Southfield, MI 48075-1100

Dear Mr. Curtis:

As per our recent telephone conversation. an investigation was completed regarding the improper disposal of t. he evidence pertaining to the case of Chi-Ming Chow. After the trial in district court, the evidence was returned to the property room to be held pending any appeal. The evidence was then sent to circuit court for review during the appeal process. When the court made their decision. Jean Johnson, a civilian clerk who also controls the property room, received a call to recieve the shoes as they were no longer needed by the court.

Ms. Johnson was not aware that his matter was still pending and based on her conversation with the court believed the case to be closed. The evidence was disposed of during a department auction held on August 29. 1992.

If I can be of further assistance in this matter, please do not hesitate to contact me.

Sincerely,
/s/_____
Mark Perkins
Director

EXHIBITS Appendix 15

VAN BUREN TOWNSHIP CASE NO. 41-035-89

STATEMENT

NAME:
JEAN JOHNSON # 766
ADDRESS:
46425 Tyler Road, Belleville, MI 48111
DATE:
9/29/92
RE: CHOW, CHI-MING, *11-15-31*- SHOES

APPROXIMATELY TWO YEARS AGO, I RECEIVED A TELEPHONE CALL FROM CIRCUIT COURT. ADVISING ME TO PICK UP A BOX OF SHOES REGARDING VBPD CASE# 41-035-89. THE GENTLEMAN THAT I SPOKE WITH STATED THAT THE CASE WAS OVER AND THE SHOES NEEDED TO BE PICKED UP. THE SHOES WERE PLACES IN THE VAN BUREN TOWNSHIP POLICE PROPERTY ROOM AND REMAINED THERE UNTIL THIS AUGUST, 1992, AT WHICH TIME THEY WERE AUCTIONED OFF AT THE POLICE AUCTION.

I NEVER RECEIVED AN APPEALS LETTER REGARDING SAME.

WITNESS: /s/_____
Jean Johnson #766
SIGNATURE OF PERSON GIVING
VOLUNTARY STATEMENT
(Exhibit 19-4)

Foldout of the following exhibit is attached:
Exhibit 10-5 (news article showing officer Jean Johnson)

App. 24

Appendix 16

Tuesday, September 14, 1993

seek help inde1

Van Buren Township police Officer Jean Johnson displays the T-shirt and wallet found on the skeletal remains

Appendix 17

Court of Appeals
State of Michigan

ORDER

PEOPLE OF VAN BUREN TWP	) Maura D. Corrigan
	) Presiding Judge
v.	)
	) Docket # 138761
CHI-MING CHOW	) LC# 90-019210 AR

On its own motion, the Court amends its order of April 22, 1993, as follows:

The Court orders that the motion for a special meeting to view the video tape is denied.

The Court further orders the appellee to submit a copy of the video tape within seven (7) days of the Clerk's certification of this order for this Court's review. The appellee is directed to delete from the video tape those portions to which the appellant has objected, all appellant's objections being well-taken.

A true copy entered and certified by Ella Williams, Chief Clerk, on April 28, 1993
Date

/s/
Ella Williams
Chief Clerk

VIDEO TAPE

MICHIGAN COURT OF APPEALS 1993 VERIFICATION OF CHI-MING CHOWS VIDEO TAPE RECORDING

(Note: At the end of this verified video tape a TV-2 1993 report of the Kmart case was added.)

VIDEO TAPE

LAW OFFICES OF
WILLIAM E. ZIEM, P.C.
990 DECKER ROAD
WALLED LAKE, MI 48090
TELEPHONE (313)624-63320

April 27, 1993

Court of Appeals
900 First Federal Building
Detroit, MI 48226

Re: People of Van Buren Township v. Chi-Ming Chow
Docket No: 138761

Dear Clerk,

Enclosed please find five copies of my client's video tape which has been edited per the order dated April 22, 1993, my client's letter with exhibits which explain the minutes of the video tape
and a Proof of Service.

Please contact me if you have any questions.

Sincerely,

/s/_____
William E. Zeim

Enclosures

cc: Matthew G. Curtis. Atty.

VIDEO TAPE

Re: Michigan Court Of Appeals case: 138761.
Subject: Newly edited video tape.
Date: April 27, 1993.

Today, April 27, 1993, I, the Appellee, respectively submit 5 newly edited video tapes ordered by this Honorable Court on April 22, 1993. The new video tapes is used as a substitution for the physical evidence of this case destroyed by the prosecutor. The following statement is a description of the contents of the newly edited video tape:

1. 0 - 4 min.: This section of the tape shows one of the two pairs of new shoes purchased by Appellee from Kmart on August 12, 1989, the day of the incident. Its size is 6 ½. The purchase receipt is attached to the shoes. This section was recorded at Appellee's home before the trial of 5-18-90. The surfaces of the new shoes are shining and smooth without wrinkles. The sides and bottoms of the new shoes are clean and flat. This pair of new shoes was originally planned to be used as a comparison with my old shoes in court. (More information regarding this pair of new shoes will be given in the last section of this tape.)

2. 4 - 7 min.: This section shows Kmart's first eye-witness report of the incident of August 12, 1989. It was written and signed by saleswoman Jill Fehrenbach right after the incident. Her report is as follows:

> I, Jill A. Fehrenbach witnessed Mr. Chiming Chow tried on a pair of workshoes sold in he Footwear Dept. Then he walked out of the Dept. with the new shoes still on his feet. He left his old shoes in dept. on the shelf where the shoes he took are located. Mr. Chow then walked toward the front checkout with the

VIDEO TAPE

new shoes still on.

(Remark: The distance between the shoe-shelf and front checkout is about 75 steps and it takes about 1 minute to walk through. It is impossible to change a pair of shining new shoes into my well worn off one-week old shoes splashed with mud by walking 1 minute on Kmart's polished floor. After finding the condition of my old shoe, Fehrenbach testified in trial of 5-18-90 that Mr. Chow scuffed his shoes from department to department and was followed by Kmart's security police, Fred Sweet, for 15 minutes. All the physical evidence and her totally contradictory testimonies are facts of her false accusation and perjury in court.)

3. 7 - 8 min.: This section shows photos of my old shoes and Kmart's old shoes taken from Van Buren Police Department Detective Green's office on 11-1-89. Kmart's old shoes are shown one half out of a bag. All others are photos of my old shoes. There are clear worn off signs and pieces of grass mixed with mud on the bottom of my old shoes. There are also wrinkles and splashed mud on the surfaces and sides of my old shoes. These photos are on files of 34th District Court, Van Buren Township Prosecutor's office, Wayne County Circuit Court Of Appeals and Michigan Court Of Appeals.

4. 8 - 14 min.: This section was recorded in the Van Buren Police Department on 5-4-90 just before the trial of 5-18-90. Attorney O'Keefe, an unnamed police officer of VBPD and myself are the three eye-witnesses of this recording. At that time, there were just two pair of shoes as evidences of this case. One pair was Kmart's old shoes sealed in a plastic beg

by State Police Laboratory. This is because after the finger print test which did not find my finger print on Kmart's old shoes, the Laboratory sealed them in a plastic bag so that no new finger print could be added on them. Therefore it is very easy to identify the second pair of shoes, a pair of my old shoes which is not in a bag. At the beginning of this section, the picture clearly shows that the front inner sides of my old shoes are splashed with mud. There are also a lot of mud spots on the sides and real ends of the shoes. This is because I once ran through heavy rain just one day before the incident. The worn off signs as indicated in previous photos section are also clearly shown. Some mud mixed with grass are shown on the bottom of the shoes. The deep wrinkles and scratches are also clearly shown on the surfaces. The evidence or a pair of one-week old shoes worn outside of the store is obvious and can be verified by naked eyes.

5. 14 - 24 min.: This section was recorded at Hon. Judge Battani's jury room on 4-19-91 after a new trial was ordered by her Honor on February 1, 1991. My attorney, Mr. Stelmach, Prosecution official, Mr. Otis, and myself are the three eye-witnesses of this recording. In this recording, there are 7 exhibits. They are 1 Kmart Fehrenbach's r : ort of 8-12-89 and 6 pair of shoes. 5 pairs are of the same brand. To make it clear. the 7 exhibits are stated as follows:

> People's Court Exhibit 1 is Kmart's old shoes sealed in a plastic bag.
>
> People's Court Exhibit 2 is my old shoes. Now they are tied together by shoe laces. Its size, 7, is shown inside of the shoes. All the worn off signs, splashed mud, pieces of grass, deep wrinkles and scratches on my old shoes are also recorded.

VIDEO TAPE

People's Court Exhibit 16 is my size-6½ new shoes. The purchase receipt of 8-12-89 is still attached to this pair of new shoes. They were planned to be used for comparison with my old shoes during a live demonstration in front of the jury. This plan was not carried out because of the prosecutor's conspiracy.

People's Court Exhibit 14 is Kmart Fehrenbach's report of August 12, 1989. The physical evidence of my old shoes proves that her report was a false accusation.

People's Court Exhibits 15 and 17 are Kmart's two pairs of used shoes (size 10) produced by the prosecutor during the trial of 5-18-89. They were false evidences because they are contradictory to two original reports written by Kmart's two eye-witnesses under no pressure whatsoever with their fresh memories right after the incident of 8-12-89. These false evidences were created by the prosecutor. They were then mixed with the true evidence to confuse the jury.

People's Court Exhibit 3 is a pair of new shoes (Size 10 ½) added by my trial counsel. It only added more confusion during the trial.

After recording all the 7 exhibits, I, the Appellee, sealed them in an evidence box. On the top of this box, there is a large writing stated "Evidence Shoes". (Note: This evidence box is a used box of 34th District Court. This is why there are some other old marks on the box which are irrelevant to my case.) I wrote the case number, signed and dated on the box. Mr. Stelmach and Mr. Otis then also signed and dated on the box.

VIDEO TAPE

The recording is now completed. Mr. Otis then wrote and signed a receipt to acknowledge his receiving of the evidence box form Hon. Judge Battani. He then took the evidence box and left the court.

/s/_____
Chi-Ming Chow, Appellee

EXHIBITS Appendix 18

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

PEOPLE OF VAN BUREN TOWNSHIP,
Plaintiff/Appellant,

v.

CHI-MING CHOW,
Defendant/Appellee.

June 1, 993

No. 138761

Before: Corrigan, P.J., and Shepherd and McDonald, JJ.

PER CURIAM

Defendant was convicted after a jury trial in 34th district court of larceny under $100, in violation of Van Buren Township ordinance §603. He appealed as of right to the Wayne Circuit Court and won a new trial. The people appeal by leave granted. We affirm.

On the night of August 12, 1989, defendant went to a K mart in Van Buren Township to purchase shoes. A store employee observed defendant enter the shoe department wearing a very old pair of shoes and leave wearing new shoes from a rack she had recently restocked. She alerted a store security guard who observed defendant walking around the store for some ten or fifteen minutes. He seemed to be scuffing the heels of the shoes. Defendant paid for other merchandise in his shopping cart, including two pairs of shoes identical to

EXHIBITS

those he had allegedly put on. He did not pay for the shoes he was wearing. Defendant was arrested and charged with shoplifting. The K mart employee found a pair of old shoes, which she identified as those defendant had worn on entering the department, among the new shoes on the rack she had restocked earlier that evening.

At trial defendant essentially asserted that the shoes he was wearing on August 12 had been previously purchased and worn about one week. Seeking to rebut the defense, the prosecutor introduced two additional pairs of shoes identical to the stolen shoes. The store security guard wore one pair (Exhibit 15) for about ten minutes to duplicate the defendant's actions of walking around the store and scuffing the heels. The guard had worn the other pair of shoes (Exhibit 17) for approximately one week. Defendant's trial counsel failed to object to the admission of Exhibits 15 and 17 and failed to examine the store security guard about his experiment.

The circuit court granted relief, finding trial defense counsel ineffective because he failed to object to Exhibits 15 and 17 and failed to introduce other evidence favorable to defendant.

In resolving ineffective assistance claims, we follow Strickland v. Washington, 466 US 688. 104 S Ct 2052; 80 L Ed 2d 674 (1984);

> To establish a claim of ineffective assistance of counsel, the defendant must how that counsel's performance was deficient and that under an objective standard of reasonableness, counsel made an error so serious that counsel was not functioning as an attorney guaranteed under the

EXHIBITS

> Sixth Amendment. Second, the deficiency must be prejudicial to the defendant. [People v. Tommolino, 187 Mich App 14, 17; 466 NW2d 315 (1991).]

See also e.g., People v. Butler, 193 Mich. App. 63 66-67; 483 NW2d 430 (1992). Counsel "has a duty to bring to bear such skill and knowledge as will render the trial's reliable adversarial testing process." People v. Armendarez, 188 Mich. App. 61, 74; 468 NW2d 893 (1991), citing Strickland supra at 688.

EXHIBITS

Plaintiff initially argues that trial counsel's failure to object to the admission of boots worn by the security guard was not ineffective because the test boots would have been admissible in evidence. We disagree. The rules governing the admission of physical evidence require a proper evidentiary foundation. The articles must be identified as that which they purport to be and must be connected with the crime or with the accused. People v. Furman, 158 Mich App 302, 331; 404 NW2d 246 (1987). Because exhibits 15 and 17 had no connection with either the crime or the accused, they were not admissible as physical evidence. People v. Stapf, 155 Mich App 491, 496; 400 NW2d 656 (1986) (admission of gun to show that toy gun defendant had shown to victim looked like a real gun was error).

Plaintiff apparently introduced the shoes as evidence of an experiment. That is, the shoes seized from defendant were to be compared with the shoes worn by the guard for two stated lengths of time, under two different conditions (i.e., one pair worn briefly inside the store and the other worn extensively outside it). Experimental data are admissible if the tests from which the data are drawn involved conditions sufficiently similar to those involved in the particular case to assist the trier of fact in reaching its conclusions. Muniga v. General Motors Corp., 102 Mich App 755, 759; 302 NW2d 565 (1980), citing Smith v. Grange Mutual Fire Ins. Co. of Michigan, 234 Mich 119; 208 NW 145 (1926). The similarity need include only those circumstances or conditions which might conceivably have some influence in affecting the result in question. Jenkins v. Frison Building Maintenance Co., 166 Mich App 716, 719; 421 NW2d 275 (1988); quoting 1 Wigmore on Evidence, §442 (internal citations omitted). A reasonable or substantial similarity is sufficient. Id, quoting 22 CJ, p 759. See also, e.g., Osner v. Boughner, 180 Mich App 248, 260; 446 NW2d 873

EXHIBITS

(1989). Before test results can be admitted a foundation must be laid showing that the test in question properly duplicated the actual conditions. Duke v. American Olean Tile Co., 155 Mich App 555, 560; 400 NW2d 677 (1986). The burden is on the party presenting the evidence to prove that similar conditions exist. Id at 561.

The decision whether to admit evidence is left to the discretion of the trial court. People v. Taylor, 195 Mich App 57, 60; 489 NW2d 99 (1992). People v. Spearman, 195 Mich App 434, 445-446; 491 NW2d 606 (1992). This is not a case where an objection to the test pairs of shoes would have been futile. While the court might have ruled that the shoes should be admitted, it might well have ruled that they should not. We agree with the court below that counsel's decision to forego objection was a significant omission which prejudiced defendant.

Defense counsel also failed to pursue issues relating to the weight of the evidence; see, e.g., Jenkins, supra at 719 (lack of identity of conditions goes to weight of evidence). As the circuit court observed, the record does not establish whether the security guard was similar in height and weight to defendant. Because the relative condition of the new and the worn shoes was central to the defense, this omission also deprived defendant of a fair trial.

Plaintiff argues that counsel's decision was a matter of trial strategy. The defendant must overcome the presumption that the challenged action might be considered sound trial strategy. Tommolino, supra at 17. Allowing the shoes to be admitted might arguably have been a strategic decision, but failing to cross-examine about the test conditions (some of which had been brought out on direct examination) was not.

EXHIBITS

Defendant has overcome the presumption that counsel's action "might be considered sound trial strategy." Id (emphasis supplied).

Defense counsel also completely failed to attempt to impeach the store security guard with an incident report he had prepared. The guard testified at trial that he had seen defendant scuffing the heels of the stolen shoes while he walked around the store. However, he omitted any mention of this unusual behavior in his contemporaneously filed incident report. Counsel also failed to pursue the store clerk's acknowledgment that she attended Oakland Community College. Defendant served on the faculty of that institution. Defense counsel thus neglected the issue of possible witness bias in a case where credibility was crucial. Counsel's failure to explore credibility was also significantly prejudicial.

The issues relating to alleged prosecutorial misconduct raised in defendant's supplemental brief were not argued before the court below and thus are not properly before us. We see no evidence whatever of any conspiracies.

[p. -2-]

(Exhibit 20-2)

EXHIBITS

Affirmed. Case remanded to the 34th District Court. We do not retain jurisdiction.

/s/Maura D. Corrigan
/s/John H. Shepherd
/s/Gary R. McDonald

[1] All the trial exhibits, including defendant's own shoes, were sealed in an evidence box afar the trial and stored at the Van Buren Township Police Department in April 1991, Defendant videotaped all the evidence before it was stored. In October 1991, defendant flied a motion in this Court to have the court view the physical evidence at oral argument. That motion was denied, without prejudice to renewal in front of the panel to which the case was assigned. In March 1992, defendant filed a motion to compel the prosecutor to produce the exhibits. The motion was granted, but when an employee of plaintiff inquired at the police department on September , 1992, he was informed by plaintiff's counsel that the box could not be located.

An investigation determined that the box had been sent to the circuit court for its review in 1991. A civilian clerk who retrieved the box after the appeal was not aware that a retrial had been ordered and believed that the case was closed. Consequently, the evidence was disposed of in a departmental auction on August 29, 1992. Defendant subsequently moved to dismiss the appeal, but that motion was denied. Defendant then moved to have the panel view the videotape of the shoes at oral argument. That motion was also denied, but this Court did permit defendant to file portions of the tape. The Court has examined that tape in its review of the record. On the record before us, we find no evidence that the auction of the evidence was not in good faith.

[p. -3-] (Exhibit 20-3)

EXHIBITS Appendix 19

STATE OF MICHIGAN
IN THE 34TH DISTRICT COURT
FOR THE COUNTY OF WAYNE

THE PEOPLE OF VAN BUREN TOWNSHIP, Plaintiff,	) FILE NO. C894032)) Hon. Henry Zaborowski
v.	)
CHI-MING CHOW, Defendant.	)

Thomas R. Bidrri P41618
Prosecuting Attorney
2000 Town Center Drive
Suite 900
Southfield, MI 48075-1100

JOSEPH H. WAGNER P-25408
Attorney for Defendant
432 West Michigan Avenue
Ypsilanti, MI 48197
(313) 485-6767

ORDER DISMISSING

At a session of said Court held in the 34th District Court this, 29 day of July 1993.

PRESENT: Honorable Henry Zaborowski, District Court Judge

EXHIBITS

This matter having been brought on by motion of counsel for Defendant and the Court being fully advised in the premises; to-wit: the physical evidence having been disposed of;

NOW, THEREFORE;

IT IS HEREBY ORDERED AND ADJUDGED that the above entitled matter is hereby dismissed.

/s/_____
Hon. Henry Zaborowski
District Court Judge

A TRUE COPY
34TH DISTRICT COURT
BY /s/_____
Staci L. Brooks, Clerk

Appendix 20

Joseph H. Wagner, J.D.
Attorney at Law
432 West Michigan Avenue
Ypsilanti, MI 48197
313-485-6767

September 3, 1993

George E. Ward, Esq.
Chief Asst. Prosecutor for Wayne County
1441 St. Antoine
Suite 199
Detroit, MI 48226-2302

Dear Sir:

I am writing on behalf of my client, Chi-Ming Chow. The enclosed documentation chronicles a most unusual case of a citizens' attempt to defend himself against false accusations that I have ever encountered. My client wishes to meet with a representative of your office to discuss his desire to file a complaint.

I feel the evidence is substantial that he was falsely imprisoned and denied the civil rights guaranteed to all citizens under our State and Federal Constitutions.

He was handcuffed by a private security guard as well as arrested without a warrant by a Van Buren Township Police Officer for a misdemeanor which did not occur in his

Correspondence

presence. Further his property as well as all other physical evidence was disposed of in violation of Court Order.

As a former student of yours at Detroit College of Law in 1973, I hope you feel free to contact me, or perhaps someone else from your staff so that we may arrange to let my client present any necessary documentation to allow your office to make a decision about his desire to file a complaint.

Sincerely,

/s/_____
Joseph H. Wagner
Attorney at Law

/mlc
Enclosures

Correspondence

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

February 1, 1996

Mr. Chi-Ming Chow
2580 Holmes Road, #16
Ypsilanti, MI 48198

Dear Mr. Chow:

Thank you for contacting my office with your concerns. I appreciate your bringing them to my attention.

I have referred this matter to Frank J. Kelley, Attorney General for the State of Michigan, and have asked him to look into your concerns. I hope this situation is soon resolved to your satisfaction.

Again, thank you for contacting my office.

Sincerely,

/s/_____
John Engler
Governor

JE/pr

Correspondence Appendix 22

THE SENATE
ASSISTANT MAJORITY FLOOR LEADER
SENATE JUDICIARY COMMITTEE

VIA HAND-DELIVER

May 8, 1996

The Honorable Frank J. Kelley
Attorney General
State of Michigan
Law Building, 7th Floor
Lansing, Michigan 48909

Dear Mr. Kelley:

Enclosed please find a complaint and related information from Mr. Chi-Ming Chow. As Chairman of the Senate Judiciary Committee, I respectfully request that your office review and investigate Mr. Chow's complaint. I would appreciate it if you would send me a copy of your response.

Thank you for your time and attention.

Sincerely,
/s/_____
Wm. Van Regenmorter State Senator

/sp.ag

enclosures
cc: Mr. Chi-Ming Chow
2580 Holmes Road, No. 16
Ypsilanti, MI 48198

Correspondence Appendix 23

SENATOR ALMA WHEELER SMITH
STATE OF MICHIGAN

November 29, 1995

The Honorable Frank J. Kelly
Attorney General, State of Michigan
Law Building, 7th Floor
525 W. Ottawa
P.O. Box 30212
Lansing, MI 48913

Dear Mr. Kelly:

It has been brought to my attention that one of my constituents, Mr. Chi-Ming Chow, has brought his case to the attention of the Department of Attorney General's Criminal Division. This is a matter of the utmost importance to Mr. Chow and a cause that he has been pursuing for a very long time.

I had the opportunity to attend a meeting with Mr. Chow, his lawyer and Robert Ianni, Assistant in Charge of the Criminal Division. From the evidence presented, it seems to me that Mr. Chow has been egregiously wronged and it is understandable that he so steadfastly pursues this matter. Regaining one's sense of dignity and self-esteem after such an unpleasant episode is important; vindication allows us to put instances of injustice behind us and resume our lives with faith in our system intact.

I will greatly appreciate your attention to his concerns and am confident that your office will give him whatever assistance it is in your power to provide.

Correspondence

Thank you for your consideration of this request.

Sincerely,

/s/_____
Alma Wheeler Smith
State Senator, 18th District

AWS/ms

Correspondence Appendix 24

DOCTORS OF INTERNAL MEDICINE
30335 W. 13 MILE ROAD, SUITE 100 • FARMINGTON HILLS, MICHIGAN 48334
TELEPHONE: (810) 626-6500
FAX: (810) 855-0190

STEVEN D. GRANT, M.D., F.A.C.P.
LOWELL S. PAUL, M.D.

June 6, 1996

Chi Ming Chow
P.O. Box 903
Novi, MI 48376

To whom it may concern:

Chi Ming Chow has been my patient since February of 1986. In December of 1989, he complained of anxiety and insomnia secondary to allegations that he stole shoes at a local Kmart. These symptoms have persisted even though the case was dismissed in July of 1993. Mr. Chow feels that there was a conspiracy against him by the police and prosecutors, and is pursuing this through his attorney. Also, he has obtained letters from various selected representatives at both the state and national levels.

I feel that his anxiety and insomnia are definitely related to the events that have transpired since 1989. If you need any more information, please contact my office.

Sincerely,
/s/_____
Steven D. Grant, M.D.

Correspondence Appendix 25

CITY OF ANN ARBOR, MICHIGAN
HUMAN RESOURCES DEPARTMENT

CITY OF ANN ARBOR, MICHIGAN
220 E. Huron, Suite 340,
P.O. Box 8647,
Ann Arbor, Michigan 48107
Phone: (313) 994-2803 Fax: (313) 994-2590

April 21, 1997

Mr. Chi-Ming Chow
2580 Holmes Rd #16
Ypsilanti, MI 48198-4217

RE: Civil Rights Violations

Dear Mr. Chow:

It was my pleasure meeting with you and your attorney on April 18, 1997 to discuss the unfortunate experience you had with the law enforcement agencies in the State of Michigan.

After a review of your video tape and discussion of the evidence you presented, I strongly recommend that you file formal complaints with the following agencies:

U.S. Justice Department
Civil Rights Division
950 Pennsylvania Ave., N.W.
Washington, DC 20530-0001
Telephone: (202) 514-4224

Correspondence

U.S. Civil Rights Commission
624 9th Street, N.W.
Washington, DC 20525
Telephone: (202) 376-8177

Your letter dated April 3, 1997, addressed to the Michigan Attorney General's office clearly outlined your concerns. I suggest that you submit that letter to both agencies.

If I can be of further assistance, please contact me.

Sincerely,

/s/_____
Raymond E. Chauncey
Human Rights Coordinator

cc: Joseph H. Wagner

Correspondence Appendix 26

UNITED STATES COMMISSION
ON CIVIL RIGHTS

624 Ninth Street, NW.
Washington, D.C. 20425

July 6, 1997

Chi-Ming Chow
2580 Holmes Road, No. 16
Ypsilanti, MI 48198-4217

Dear Mr. Chow:

The United States Commission on Civil Rights recently received your complaint.

The Commission was established to conduct studies, hold hearings, issue reports, and serve as a national clearinghouse for civil rights information. As such, the Commission has no authority to provide direct remedial assistance, or offer an opinion as to the soundness of individual allegations.

In order to be helpful, we have forwarded your complaint to:

U.S. Department of Justice
Civil Rights Division
10th and Constitution Avenue, NW
Washington, DC 20530

This agency is authorized to help resolve the problem you described. We have requested that the agency notify both you and the Commission in writing concerning all actions taken to resolve your complaint. Should you need to communicate

Correspondence

further concerning this matter, please contact the referral agency at 202-514-2151.

We appreciate the concern and the circumstances that prompted you to write to the Commission.

Sincerely,

/s/_____
FREDERICK D. ISLER
Assistant Staff Director
Office for Civil Rights Evaluation

APPENDIX 27

Michigan Supreme Court, Lansing, Michigan

Elizabeth A. Weaver, Chief Justice
Michael F. Cavanagh, Marilyn Kelly
Clifford W. Taylor, Maura D. Corrigan
Robert P. Young, Jr., Stephen J. Markman,
Justice

ORDER

Entered: November 29, 1999

CHI-MING CHOW, Plaintiff,
V
ATTORNEY GRIEVANCE COMMISSION, Defendant.

SC: 114747
AGC :0694/99

On order of the Court, the complaint for mandamus is considered, and is DISMISSED, because the Court does not find an abuse of discretion in the dismissal of the request for investigation. The motion to remand is also considered, and it is denied.

I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 29, 1999. /s/

Deputy Clerk

Michigan Supreme Court, Lansing, Michigan

Elizabeth A. Weaver, Chief Justice
Michael F. Cavanagh, Marilyn Kelly
Clifford W. Taylor, Maura D. Corrigan
Robert P. Young, Jr., Stephen J. Markman,
Justice

ORDER

Entered: January 31, 2000

CHI-MING CHOW, Plaintiff,
V
ATTORNEY GRIEVANCE COMMISSION, Defendant.

SC: 115108
AGC: 692/99, 693/99, 665/99, 696/99.

On order of the Court, the complaint for mandamus is considered, and it is DISMISSED, because the Court does not find an abuse of discretion in the dismissal of the requests for investigation.

I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 31, 2000 /s/

Deputy Clerk

Appendix 28

Honorable Judges Weaver, Taylor,
Young, Brickley, Kelly,
Cavanagh and Corrigan
Michigan Supreme Court
525 West Ottawa
P.O. Box 30052
Lansing, Michigan 48909

Chi-Ming Chow (Mr.)
2580 Holmes Road, No. 16
Ypsilanti, Michigan 48198

February 9, 2000

Re: Chi-Ming Chow v Attorney Grievance Commission.
SC: 115108
AGC: 692/99, 693/99, 695/99, 696/99.

Dear Honorable Judges Weaver, Taylor, Young, Brickley, Kelly, Cavanagh and Corrigan:

This is a Motion for Reconsideration for your order of January 31, 2000 which states:" On order of the Court, the complaint for mandamus is considered, and is DISMISSED, because the court does not find an abuse of discretion in the dismissal of the requests for investigation." (Please see attached copy.)

I am filing this Motion according to Michigan Supreme Court's suggestion for preparing complaint for mandamus against Attorney Grievance Commission. (Please see attached copy.)

Commission and this Court was also based on defendants' criminal actions such as false accusation false arrest, false evidence, perjury, conspiracy, willful neglect of duty, malicious destruction of physical evidence seized by court without a court order, coverup, obstruction of justice and violations of my constitutional rights and civil rights. Their criminal actions have violated criminal law and Attorney Grievance Commission's attorney misconduct codes. Furthermore, the nature of my case is worse than the Rodney King case and Malice Green case. In those two cases, the policemen might have over reacted when they were doing their duties. In my case, the law enforcement officials knowingly assisted the criminal Kmart employees to harm an innocent Chinese American. Now they are continuously protecting the criminals from being prosecuted. They have turned our constitution and law of equal justice upside-down. I have court verified photos and video taped eyewitnesses, physical evidences and court documents to back up my grievance. I also have testimonies regarding defendants' criminal actions made by Hon. County Circuit Court of Appeal Judge Battani and Hon. Michigan Court of Appeal Judge Corrigan (Now a Judge of Michigan Supreme Court). Moreover, both Michigan Civil Rights Commission and U.S. Civil Rights Commission have also thoroughly evaluated my complaint and supported my complaint for defendants' continuous violations of my constitutional rights and civil rights to have equal justice and equal protection of the laws. How could you

railroad my complaint and deny all these undeniable evidences and facts? This is unfair, unjust and dictatorial.

I now again give you the following evidences and facts to prove that your order to dismiss my complaint is unfair and unjust and the Attorney Grievance Commission's abuse of discretion in my case is true.

1. Based on any legal document or law dictionary, "Discretion" is a public official's freedom of choice within the limits of his/her authority based on honesty, fairness and law.

2. No government official has the authority and discretion to cover up criminal actions. Coverup of criminal actions is dishonest, unfair and against the law. Coverup itself is a criminal action. Therefore it is unfair for you to say that you do not find an abuse of discretion for Attorney Grievance Commission's coverup of defendants' criminal actions.

3. The Eleventh Amendment and Immunity are designed for the protection of good and honest government officials in the exercise of official authority or duty. No government official has the authority or duty to knowingly commit crimes. Eleventh Amendment and Immunity are not for criminal officials. A criminal official is no longer an official and has no protection from Eleventh Amendment and Immunity. As I have mentioned above, former FBI Chief Michael Kahoe of the 1992 Cabin Case of Idaho and former police

Your order of January 31, 2000 for my Complaint for Mandamus has no indication of "Personal and Confidential". Therefore, I shall send copies of your order and my Motion for Reconsideration to all concerned people including news media. If I can not get justice from you, at least I still have my constitutional rights to speak out and let the public know that there is no equal justice and equal protection of the laws for all citizens in the State of Michigan. The darkness of criminal injustice and racial hatred in Michigan judicial system is still existing even in the 21th Century. All the Judges of Michigan Supreme Court have knowingly done nothing to stop it.

Your order to deny my complaint for mandamus really makes no sense. If you are not blind, how can you say that you do not find an abuse of discretion? Your unjust decision has no ground because you did not give any evidence and fact to back up your decision. On the other hand, I have all the evidence and fact to back my complaint. Also. you all know that in the 1992 Cabin Case in Ruby Ridge, Idaho, former FBI Chief Michael Kahoe was punished by the law for his malicious destruction of evidence, coverup and obstruction of justice. He was jailed and fined. In the other well known cases such as Rodney King case in Los Angles and Malice Green case in Detroit, policemen were also convicted for their criminal actions. Victims of the crimes were awarded monetary damages. My complain filed at Attorney Grievance

officials of the Rodney King case of Los Angels and Malice Green case of Detroit were all punished by the law. Had the Eleventh Amendment and Immunity protected criminal officials, then former FBI Chief Kahoe and the policemen in Rodney Kings case and Malice Green case should all have been freed and there would have no monetary damages been awarded to the victims of the crimes.

You are all well educated law experts. You are elected and well paid by people's tax to serve the people as PUBLIC SERVANTS. You were sworn in your offices that you would support and protect our constitution which assures equal justice and equal protection of the laws for all citizens born or naturalized in the United States. (14th Amendment.) Therefore your order to dismiss my complaint for mandamus contradicts and conflicts with your own oaths.

Since you are my PUBLIC SERVANTS, I REPRIMAND you for your damaging of the reputation and record of the judicial system of the State of Michigan. It is a disgrace to our constitution and the law. You have made this beautiful country ugly. You should all be ashamed of yourselves.

If you do not agree with what I have commented about your unfair and unjust dismissal of my complaint, you certainly can respond and give your evidence and fact to prove that your order was correct when you reply my Motion for Reconsideration.

I would also like to mention that this case and case of SC 114747, AGC 0694/99 were filed as one case in Attorney Grievance Commission. It was then separated into two cases by Attorney Grievance Commission. Therefore these two cases are closely related. In my complaint, I have already given you all the facts of the criminal actions. for your reference, I am again listing the criminal actions committed by the defendants. In order to reduce the volume and avoid repeating what I have already stated in my complaint for mandamus, I shall only list the criminal codes from Michigan Complied Laws Annotated (MCLA) which describe the criminal actions committed by the defendants. (For detail of the evidence, facts and witnesses of each of the crimes, please refer to my letter of December 16, 1993 to prosecutor George E. Ward. This letter was an exhibit of my "To Whom It May Concern" in my Complaint for Mandamus.)

1). MCLA 750.411a (Michigan Penal Code 750.411a), Fictitious crimes, report to police officers.

Fact: Defendants' false accusation and false arrest without a warrant for a false accusation which did not occur in their presence.

Since physical evidence is the most important evidence of my complaint, I am now again attach a copy of my court verified photos of physical evidences for you to see. A picture is worth a thousand of words. (Note: I have also sent 8 copies of my court verified video

tape of evidences for you to review.) If you are not blind, you should be able to see my old shoes taken out from my feet in Kmart had rain splashed mud, wrinkles and scratches all around the shoe surfaces. There are deep worn off signs, pieces of dried grasses and dirt on the shoe soles and heels. Only a mentally sick person or dishonest fool will think they were Kmart's new shoes. If the prosecutor is honest, he should admit his mistake and Kmart's false accusation. Instead, they created a conspiracy to use false evidence, perjury and conspiracy to convict an innocent Chinese American. <u>False accusation is the origin of all other criminal actions committed by Kmart and defendants.</u>

2). MCLA 750.425 (Michigan Penal Code 750.425): Inciting or procuring one to commit perjury.

3). MCLA 750.149 (Michigan Penal Code 750.149): Compounding or concealing offense. (Also see Prosecutional Misconduct 5.61 (e): Violations of Discovery Rules. The Prejudice suffered by the defendant.)

4). MCLA 750.157a (Michigan Penal Code 750.157a): Conspiracy to commit offense or legal act in illegal manner.

Furthermore, based on SJI 2d 117.01, my case fits all the elements of Malicious Prosecution.

5). MCLA 750.422 (Michigan Penal Code 750.422), Perjury committed in courts:

Defendants' false evidences and false testimonies under oath in court is a criminal offense of perjury.

6). MCLA 750.426 (Michigan Penal Code 750.426) Court reasonable believe perjury committed:

Hon. Judge Battani and Hon. Judge Corrigan made comments on defendants' false accusation, false evidences and perjury.

7). MCLA 754.484 (Michigan Penal Code 754.484), Refusing to apprehend on being required to do so by justice.

Defendants' malicious destruction of the court evidences without a court order is a contempt of court. Refusing to produce evidence requested by court order is refusing to apprehend on being required to do so by justice.

8). MCLA 750.478, (750.388 and 750.149 (Michigan Penal Codes 750.478, 450.388 and 750.149). Wilful neglect of the duty, malicious destruction of personal property seized by legal process and compounding or concealing offense. (Also please see Prosecutorial Misconduct Sec. 5.7, Lost or Destroyed Evidence).

Note: Defendants based on a so-called anonymous gentleman's phone call to destroy all the physical evidences seized by court for a new trial without a court order to cover up their crimes.

9). U.S. Constitution's 14th Amendment: The unjust denial of my

complaint is a violation of my constitutional rights to have equal justice and equal protection of the laws.

Based on the above-mentioned criminal actions committed by the defendant who are all licensed attorneys, I filed my attorney grievance at Attorney Grievance Commission regarding their violations of the Attorney Professional disciplinary Proceedings Rule 9.104 (1), (2), (3), (4) (5) , (6), for their prejudice, abusing the law, injustice, unethics, dishonesty, irresponsibility, and criminal actions. All these misconducts have violated the attorney discipline codes.

All the defendants are law enforcement officials. They know the law and violate the law. They have no respect to the law. Had defendants done their duties and followed the law to file my criminal complaint and prosecuted the criminals, justice would have been served for my criminal complaint many years ago. Justice would also have been served for my civil complaint.

In front of the law, every one is equal.

If you have carefully and honestly reviewed all the materials of my evidence and fact in my complaint, you should be able to see all the criminal actions committed by defendants. Then you should know that the Attorney Grievance Commission has indeed covered up their criminal actions. This is an abuse of discretion because discretion does not

include coverup of criminal actions.

Also, before you make your decision on my Motion for Reconsideration, please answer the following questions so that you can face the facts of my complaint:

1) What are your findings of the false accusation, false arrest, false evidence, perjury and conspiracy in my case? What are your findings of Honorable Judge Battani's eyewitness' statement and Honorable Judge Corrigan's eyewitness statement about the physical evidence, conspiracy and perjury?

2) What are your findings of my Motion for a scientific experimental demonstration of the physical evidence with forensic experts?

3) What are your findings of the prosecutor defendants' willful neglect of duty, malicious destruction of physical evidences seized by court without a court order?

4) What are your findings of coverup of the criminal actions made by Attorney Grievance Commission? What are your findings of the obstruction of justice because of their coverup?

5) What are your findings of the continuous violations of my constitutional rights and civil rights to have equal justice and equal protection of the laws?

6) What are your findings of Honorable State Senator Smith's letter

and Honorable State Judicial Committee Chairman Van Regenmorter's letter urging former Attorney General Kelley to investigate my complaint? (I am again attaching copies of their letters.)

7) What are your findings of Michigan Civil Rights Commission's recommendation and U.S. Civil Rights Commission's referral for my complaint for continuous violations of my constitutional rights and civil rights to have equal justice and equal protection of the laws to the U.S. Department of Justice? (I am again attaching copies of their letters.)

Please note, my civil rights violation complaint was filed on about April 14, 1997. As we know, the statute of limitations for civil rights violation is 180 days unless it is continuous. Both Michigan Civil Rights Commission and U.S. Civil Rights Commission have thoroughly evaluated my complaint and have found that the violations of my civil rights by our law enforcement officials are continuing until my criminal complaint is filed and the criminals are prosecuted to get the justice served.

There is an old Chinese proverb which says that "he who nears vermilion becomes red." In 1993, Hon. Presiding Judge Maura D. Corrigan of Michigan Court of Appeals denied defendant's frivolous appeal because of his criminal actions. Now she joins your group of Michigan Supreme Court. Suddenly. she goes with the other 6 Judges and find Kmart and the defendants committed no

crime of false accusation, false arrest, false evidence, perjury, conspiracy, willful neglect of duty, malicious destruction of physical evidence seized by court without a court order, coverup, obstruction of justice and violations of my constitutional rights and civil rights to have equal justice and equal protection of the laws. Is she affected by the injustice of the other 6 unfair Judges of Michigan Supreme Court?
I am very disappointed about your unfair and unjust order. I know the chance for you to change your order is very slim. So I can tell you ahead that I shall appeal to the U.S. Supreme Court after this Motion is denied. I want the whole nation to know this kind of darkness, criminal injustice and racial hatred still exist in the State of Michigan judicial system in the 21th Century. Also the Attorney Grievance Commission has informed me that my closed grievance can be reopened with new evidence. Since my criminal complaint in the state court and my civil rights violations complaint in the federal court are blocked by coverup at the present, they are still open to be filed. When these complaints are filed and get results, I shall file my grievance again including your racial prejudice, discrimination, unfairness, coverup, obstruction of justice, etc.

Right now on the earth, the law is controlled by your hands, I can only pray to the God to let you know that your decision of January 31, 2000 to deny my complaint for mandamus is wrong and unjust. You know that there are only two ways for you to go after your death,

either the HAVEN or the HELL. If you do not repent for your injustice, as a victim of crime and injustice, I know from the bottom of my hart that God will not allow you to enter the door of the Haven for the following reasons:

1). You have lied under oath in front of God that you would support and protect the constitution of the United States to assure equal justice and equal protection of the laws for all citizens born or naturalized in the United States.

2). You have borne false witness in front of God to deny the undeniable false accusation false arrest, false evidence , perjury, willful neglect of duty, malicious destruction of physical evidence seized by court without a court order, coverup, obstruction of justice and violations of constitutional rights and civil rights in my complaint for mandamus.

Therefore, if you do not repent and do your job to enforce the law, then you can not go to the Heaven after your death because you have not only violated our constitution and law, but also the God's law.

My Motion for Reconsideration will give you a chance to repent. I hope it will wake up your conscience.

I am now attaching the following documents for your reference:

1. A copy of Michigan Supreme Court's suggestion for filing complaint

for mandamus against Attorney Grievance Commission.

2. A copy of court order of January 31, 2000 for case, SC: 115108; AGC 0692/99. 693/99, 695/99, 696/99.

3. A copy of my "To Whom It May Concern" letter of September 14, 1993. This is a comprehensive summary of the Kmart case. (Some essential exhibits are attached.)

4. Supporting letters written by Honorable Governor Engler, State Senator Smith and State Senate Judicial Committee Chairman Van Regenmorter.

5. Michigan Civil Rights Commission's recommendation and U.S. Civil Rights Commission's referral for my complaint to U.S. Department of Justice.

6. U.S. Congressman David Wu's inquiry letter for my complaint to U.S. Department of Justice.

7. A copy of court verified photos of physical evidences.

In conclusion, in our judicial system, only a prosecutor has the authority to file a criminal complaint in court. Now the prosecutor is protecting the criminal Kmart and their own law enforcement officials from being prosecuted. Without the result of my criminal complaint, all my civil complaints filed by my attorneys were unjustly dismissed without any deposition,

discovery, mediation or a trial. The result is that all the criminals who harmed me still have not been punished by the law, This fact makes the public feel as I were still guilty even though the unjust charge against me has been dismissed in 1993, I have lost my respect and human dignity from my neighbors and the public. My life has been ruined by crime and injustice. I was able to find my rights to file my grievances against the defendants at Attorney Grievance Commission by myself to get the justice served. Now you are also denying my complaint for mandamus. You are also unfairly blocking my rights to get the justice served. Your unfairness and injustice have also turned our constitution and law of equal justice upside down in my case. You can correct it only if you grant my Motion for Reconsideration and remand my complaint back to the Attorney Grievance Commission for a fair and thorough investigation so that justice can be served.

Your Honors' reconsideration and justice will be appreciated.

Very truly yours,

Chi-Ming Chow, Retired Mathematics Teacher of Oakland Community College, Michigan.

c.c.: Michigan Attorney Grievance Commission

Attorney George E. Ward
Attorney Robert Ianni

Attorney General Jennifer M.
Granholm, (For Stanley D.
Steinborn and Frank J. Kelley.)

All other concerned.

APPENDIX 29

Michigan Supreme Court, Lansing, Michigan

Elizabeth A. Weaver, Chief Justice
Michael F. Cavanagh, Marilyn Kelly
Clifford W. Taylor, Maura D. Corrigan
Robert P. Young, Jr., Stephen J. Markman,
Justice

ORDER

Entered: February 29, 2000

CHI-MING CHOW, Plaintiff,
V
ATTORNEY GRIEVANCE COMMISSION, Defendant.

SC: 114747
AGC :0694/99

On order of the Court, the motion for reconsideration of this Court's order of November 29, 1999, is considered, and it is DENIED, because it does not appear that the order was entered erroneously.

I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

February 29, 20000. /s/

Deputy Clerk

Michigan Supreme Court, *Lansing, Michigan*

Elizabeth A. Weaver, Chief Justice
Michael F. Cavanagh, Marilyn Kelly
Clifford W. Taylor, Maura D. Corrigan
Robert P. Young, Jr., Stephen J. Markman,
Justice

ORDER

Entered: March 28, 2000

CHI-MING CHOW, Plaintiff,
V
ATTORNEY GRIEVANCE COMMISSION, Defendant.

SC: 115108
AGC: 692/99, 693/99, 665/99, 696/99.

On order of the Court, the motion for reconsideration of this Court's order of January 31, 2000, is considered, and it is denied because it does not appear that the order was entered erroneously.

I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 28, 2000 /s/

Deputy Clerk